

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	SECOND FINAL ORDER
-v.-	:	<u>OF FORFEITURE</u>
	:	
MICHAEL ACKERMAN,	:	20 Cr. 93 (LTS)
	:	
Defendant.	:	
	:	
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WHEREAS, on or about September 8, 2021, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (D.E. 57) (the “Preliminary Order of Forfeiture”), which ordered the forfeiture to the United States of all right, title, and interest of MICHAEL ACKERMAN (the “Defendant”) in, *inter alia*, the following property:

- i. 2281 St. Marks Rd., Valley City, OH, 44280, Legal Description: TR 1, LOT 21, W MID PT 5.500A;

(the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture a directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the Government to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on October 7, 2022 for thirty (30) consecutive days, through November 5, 2022, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of such publication was filed with the Clerk of the Court January 24, 2022 (D.E. 102);

WHEREAS, notice of the Preliminary Order of Forfeiture was sent via certified mail to the following:

Stacey Ackerman
c/o Paul Flannery and Robert Porter
1375 East 9th Street, 30th Floor
Cleveland, OH 44414

Allison Douglas
c/o Philip Korey
700 West ST. Clair Ave, Ste 400
Cleveland, OH 44113

Linda Frederickson
330 Wooster Rd
Rocky River, OH 44116

Stacey Rae Jackson
3875 E. Lake Road
Sheffield, OH 44054

Kari Schuchard

Wheatland County Treasurer
201 A. Avenue NW
Harlowton, MT 59036

(collectively, the “Noticed Parties”);

WHEREAS, on or about February 2, 2023, Allison Douglas (“Douglas”) filed a Petition asserting an interest in the Specific Property (the “Douglas Petition”) (D.E. 107);

WHEREAS, on or about March 1, 2023, the Government filed a motion to dismiss the Douglas Petition for failure to state a claim (109);

WHEREAS, on or about May 18, 2023, the Court granted the Government’s motion and dismissed the Douglas Petition (D.E. 112);

WHEREAS, since final publication of the Notice of Forfeiture, thirty (30) days have expired and no other petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant and the Noticed Parties are the only people and/or entities known by the Government to have a potential interest in the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property are hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Customs and Border Protection (or its designee, the Office of Fines, Penalties and Forfeitures) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
July 24, 2023

SO ORDERED:



HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE